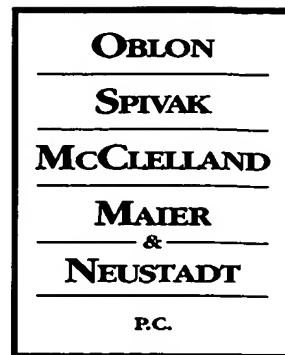




Docket No.: 241713US2SRD

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/642,760  
Applicants: Hideo TSUCHIYA, et al.  
Filing Date: August 19, 2003  
For: PATTERN INSPECTION APPARATUS  
Group Art Unit: 2624  
Examiner: Chawan, Sheela C

SIR:

Attached hereto for filing are the following papers:

**Provisional Election**

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

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DOCKET NO: 241713US2SRD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

HIDEO TSUCHIYA, ET AL.

SERIAL NO: 10/642,760

FILED: AUGUST 19, 2003

FOR: PATTERN INSPECTION  
APPARATUS

:

: EXAMINER: CHAWAN, SHEELA C

:

: GROUP ART UNIT: 2624

:

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated December 28, 2006, Applicants provisionally elect with traverse Invention I, Claims 1-8, drawn to a pattern inspection, Classified in Class 382, subclass 144, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may

Application No. 10/642,760

Reply to Office Action of December 28, 2006

be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single invention be withdrawn, and that a full examination on the merits of Claims 1-15 be conducted

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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(OSMMN 06/04)